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 Nevada State Bar No. 10841
 Nevada Legal Services, Inc.
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 Las Vegas, Nevada 89101
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Attorneys for Plaintiff Pauline Pears

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN 11 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA
ex rel. PAULINE PEARS, Relatrix,

and

PAULINE PEARS,

Plaintiffs,

v.

TRISHA LA, and
STONE GATE REAL ESTATE SERVICES,
a Nevada Corporation;

Defendants.

**FILED UNDER SEAL
PURSUANT TO
31 U.S.C. § 3730(b)(2)**

2:14-cv-00909-GMN-GWF

COMPLAINT

INTRODUCTION

Qui Tam Plaintiff, Pauline Pears (“Pears”), brings this action against Defendants Trisha La (“La”) and Stonegate Real Estate Services (“Stonegate”) to recover treble damages and civil penalties under the False Claims Act (“FCA”), 31 U.S.C. § 3729 *et seq.* Pears rented a house from defendant Trisha La (“La”), via La’s property manager, Stonegate Real Estate Services, pursuant to a federally-regulated rent subsidy program known as the Section 8 Tenant Based

Housing Choice Voucher Program (“Section 8”), administered locally by the Southern Regional Housing Authority. As part of the Section 8 program, La and SNRHA entered into a Housing Assistance Payment Contract (“HAP”), which limited the amount of rent and utilities that La could charge Pears. Under this HAP contract, La is prohibited from charging Pears any additional rent or fees not set forth in the HAP contract. Nonetheless, Defendants forced Pears to pay an extra \$400.00 per month in rent without approval from SNRHA. Defendants violated contractual and regulatory certifications and conditions for subsidy payments by charging Pears for rental amounts that exceeded the amount authorized by the HAP contract and SNRHA. Defendants knowingly violated clear conditions for subsidy payments under the Section 8 program and knowingly submitted, or caused to be submitted, false or fraudulent claims, resulting in thousands of dollar of rental payments that would not have been paid but for the Defendant’s misconduct.

The United States seeks all remedies available under the FCA. Pears seeks a statutory share of any awarded damages paid to the United States under the FCA, in addition to court costs and reasonable attorney fees.

PARTIES

1. Plaintiff Pauline Pears has been tenant at La’s property on the premises located at 4336 Hera Temple Avenue, North Las Vegas, Nevada (“the premises”), from June of 2012 through the present.
2. Plaintiff United States of America is *ex rel.* Pauline Pears. At all times material to this Complaint, HUD was an agency and instrumentality of Plaintiff United States and its activities, operations and contracts were paid from federal funds.

3. Defendant Stonegate Real Estate Services, Inc., is a Nevada corporation and acts as an agent and property manager for Trisha La for rental properties located within Clark County, Nevada.
4. Defendant Trisha La does business in Clark County, Nevada. During all times material to the claims in this Complaint, La entered into Housing Assistance Payment Contracts and lease agreements with relating to residential real property she leased in Clark County, Nevada. La is the current owner of the premises located at 4336 Hera Temple Avenue, North Las Vegas, Nevada that she leased to Pears.

JURISDICTION

5. This court has jurisdiction over the federal claim pursuant to 28 U.S.C. §§ 1331, 1345 and 1367, and 31 U.S.C. § 3732.

VENUE

6. Defendants committed the unlawful acts in Clark County in the State of Nevada. Venue is proper under 28 U.S.C. § 1391 and 31 U.S.C. § 3732.

STATEMENT OF FACTS

7. The federal government instituted Section 8 to assist low income families with obtaining decent, safe, sanitary, and affordable rental housing; it is authorized by Section 8 of the U.S. Housing Act of 1937, 42 U.S.C. §1437f, and governed by regulations contained in 24 C.F.R. Part 982.
8. Under Section 8, the United States Department of Housing and Urban Development (HUD) enters into annual contribution contracts with public housing agencies, including the Southern Nevada Regional Housing Authority (SNRHA). See 24 C.F.R. 982.

9. Pursuant to the annual contribution contract, SNRHA enters into a contract with the landlord of an existing dwelling to make monthly housing assistance payments on behalf of eligible tenants, subject to HUD approval; this contract is known as a Housing Assistance Payments Contract (HAP).
10. The HAP contract sets the legal relationship and contractual obligations between the landlord and the public housing agency. It specifies, among other things, the total amount the monthly rent the landlord is entitled to receive for the rental unit, the amount of the monthly rent the public housing agency will pay to the landlord on behalf of the tenant, and the amount of the monthly rent that the tenant will pay directly to the landlord. *See* 24 C.F.R. § 982.451. The contract rent is the full amount of the rent a landlord receives for the rental unit. The amount of rent the tenant pays is called the tenant portion. The Housing Assistance Payment is the amount the public housing authority pays to the landlord. The Housing Assistance Payment is the difference between the total amount of rent due to the landlord and the amount the tenant pays. *See* 24 C.F.R. § 982.451.
11. In addition to the HAP, the landlord also enters into a lease agreement with the eligible family that must comply with federal regulations.
12. The regulations governing payments under a HAP contract are found at 24 C.F.R. §982.451. These regulations provide that the rent paid to the landlord by the tenant cannot be more than the total rent specified in the HAP contract minus the payment by the public housing authority. 24 C.F.R. §982.452(b)(4)(i). The landlord cannot demand or accept any rent payment from the tenant in excess of this amount and must immediately return any excess rent payment to the tenant. 24 C.F.R. §982.452(b)(4)(ii).

13. Part C, paragraph 5, of the HAP and federal law defines rent as “payment for all housing services, maintenance, equipment, and utilities to be provided by the owner without additional charge to the tenant, in accordance with the HAP contract and lease.” 24 C.F.R. 983.353(b)(2).
14. A housing authority may only approve a lease once it determines that the monthly rental amount is a “reasonable rent.” See 24 C.F.R. §982.507. Rent is “payment for all housing services, maintenance, equipment, and utilities to be provided by the owner without additional charge to the tenant, in accordance with the HAP contract and lease.” 24 C.F.R. 983.353(b)(2).
15. At all times material hereto, the Southern Nevada Regional Housing Authority (SNRHA), through the receipt of federal funds from HUD, administered the Section 8 program in Clark County, Nevada.
16. Pears has been a participant in the Section 8 program administered through SNHRA for approximately fifteen years. She qualifies for the Section 8 program because she is a low-income household. Her only income is \$734.00 per month in long term disability payments.
17. Eric Sham (“Sham”), agent and employee of Stonegate, executed a lease between La and Pears to rent the premises located at 4336 Hera Temple Ave., North Las Vegas, Nevada, 89031, to Pears on May 17, 2012.
18. On May 17, 2012, Sham required Pears to sign a “Payment Addendum to Lease Agreement” stating that Pears would pay an extra \$300 per month “by the side of [sic] Section 8 rent portion” in order to raise the total monthly rent to \$1050.00. This addendum also stated that La would have the right to evict Pears if Pears did not make the side payment.

19. On June 5, 2012, Sham signed a Reduction of Rent Acknowledgment form from the SNRHA on behalf of La. This form stated that La agreed to reduce the monthly rental amount on the unit at 4336 Hera Temple Avenue from \$750.00 to \$640.00 so that the rental unit would meet standards set forth by HUD.
20. The Reduction of Rent Acknowledgment also stated that La agreed that she would not collect additional rent from Pears and that if SNRHA discovered La was collecting additional rent from Pears the HAP would be terminated and La would be banned from the program.
21. After he signed the rent reduction notice, Sham told Pears that she now had to make \$400.00 in side payments so that the total rent would be \$1050.00.
22. On June 14, 2012, Sham had Pears sign a second lease for the premises at 4336 Hera Temple Ave., North Las Vegas, Nevada, 89031, with a new monthly rental amount of \$640.00 per month.
23. La entered into a HAP contract with SNRHA on June 21, 2012, by and through Sham, to rent the premises at 4336 Hera Temple Ave., North Las Vegas, Nevada, 89031 to Pears under the Section 8 program.
24. In Section 8 (d) of the HAP Defendants agreed and certified that they would not receive any other consideration from Plaintiff other than the HAPC rent. "Except for the rent to owner, the owner has not received and will not receive any payments or other consideration (from the family, the PHA, HUD, or any other public or private source) for rental of the contract unit during the HAP contract term." (Section 8(d.) HAP)
25. Part C, paragraph 5, of the HAP contract and federal law prohibit La from charging additional rent, otherwise known as side payments, and require La to immediately return any

excess rent payments to Pears. 24 C.F.R. 983.353(b)(3) (2005); 24 C.F.R. 982.451(b)(3) and (4) (1999).

26. Under Section 9-I.E., Page 9-8, of the Administrative Plan for the SNRHA Housing Choice Voucher Program, when a landlord accepts side payments for additional rent SNRHA will terminate the HAP contract and bar the owner from further participation in the Section 8 Program.
27. The HAP established a total monthly rental amount of \$640.00. Initially, SNRHA paid \$606.00 each month directly to La on behalf of Pears. Pears paid the remaining rental portion of \$34.00 each month.
28. On November 13, 2013, SNHA lowered Pears' rental portion to \$0.00. From that point forward, SNHRA paid the entire amount of the monthly rent for the premises at 4336 Hera Temple Lane directly to La.
29. Each month from June of 2012 to December of 2013, SNRHA paid rent to La on Pears' behalf.
30. Each month from June of 2012 to December of 2013, La charged Pears \$410.00 above the total rent to owner set forth by the HAP contract between La and SHRHA.
31. Each month from June of 2012 to December of 2013, Pears paid La \$410.00 in additional rent. This amounted to an extra \$7,790.00 in rent during Pears' tenancy at the Hera Temple Ave. property.
32. Neither La nor Stonegate have returned the extra rent payments to Pears.
33. Neither HUD nor SNRHA authorized Defendants to collect more rent than the tenant's share of the rent as calculated in the HAP.

34. Defendants knowingly endorsed and presented for payment nineteen separate housing assistance payment checks from SNRHA while receiving nineteen unlawful “side payments” from Plaintiff totaling \$7,790.00.

**CAUSE OF ACTION:
VIOLATION OF FALSE CLAIMS ACT**

35. Paragraphs 1 through 34 are incorporated herein by this reference.
36. The False Claims Act, 31 U.S.C. § 3729 *et seq.*, imposes liability on any person who “knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval” from the United States Government. 31 U.S.C. § 3729(a)(1) (2009).
37. Any person who violates the False Claims Act is liable to the United States for not less than \$5,000 and not more than \$10,000, plus three times the damages suffered by the United States as a result of such person’s actions, as well as for the costs of a civil action brought to recover penalty or damages under the False Claims Act. 31 U.S.C. § 3729(a)(1) and (3) (2009).
38. The False Claims Act defines “knowingly” to include the actions of a person who acts in “deliberate ignorance” or “reckless disregard” of the truth or falsity of the information, or has actual knowledge of the information; no proof of specific intent to defraud is necessary. 31 U.S.C. § 3729(b)(1) (2009). “Claim” is defined to include “any request or demand” for money made to a recipient if the United States pays “provides any portion of the money... which is requested.” 31 U.S.C. § 3729(b)(2) (2009).
39. Defendants’ endorsement and presentment of each housing assistance payment check for each month while they knowingly received “side rent” from Pears constitutes a separate false

claim or representation to the United States that they did not receive any other consideration for the rented premises for that month as set forth in the HAP contract.

40. Defendants knowingly made or used, or caused to be made or used, false records or statements to get false or fraudulent claims paid or approved by officials of the United States Government, in violation of 31 U.S.C. §3729(a)(2).
41. The United States of America suffered damages as a result of violations of the False Claims Act because the housing assistance payment money which HUD disbursed to SNRHA for payment to Defendants under the Section 8 Program on behalf of Pears would not have been paid to the Defendants absent false claims and misrepresentations.
42. The United States sustained damages equal to all payments made to the Defendants pursuant to the Section 8 program.
43. Pursuant to 31 U.S.C. §3730(d), Pears is entitled to civil penalties and reasonable attorney fees.

PRAYER FOR RELIEF


WHEREFORE, Plaintiff Pauline Pears and the United States of America respectfully request the following relief:

- A. Find that the Defendants violated the False Claims Act and are liable to the United States.
- B. Assess a civil penalty against Defendants for each of the nineteen (19) separate violations of the False Claims Act in the amount of not less than \$5,500.00 and not more than \$11,000.00, for a total of not less than \$104,000 and not more than \$209,000.00.
- C. Award the United States three times the amount of damages that it sustained as a result of Defendants acts.

- D. Award Pears the *qui tam* plaintiff's share of the proceeds or settlement pursuant to 31 U.S.C. § 3730(d).
- E. Award Pears the \$7,790.00 in side payments Defendants collected from her.
- F. Award Pears any court costs and reasonable attorney's fees.
- G. Grant whatever other relief is just and proper.

DATED this 11th day of June, 2014.

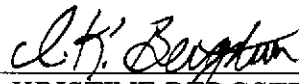
Respectfully Submitted,


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Attorneys for Plaintiff

CERTIFICATE AS TO INTERESTED PARTIES

The undersigned, counsel of record for Pauline Pears, certifies that the following have an interest in the outcome of this case: the United States Government, Defendant Tricia La and Defendant Stonegate Real Estate, Inc... These representations are made to enable judges of the Court to evaluate possible disqualifications.

Signature, Attorney of record for Pauline Pears:



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Facsimile (702) 388-1641
Attorneys for Plaintiff Pauline Pears

CERTIFICATE OF MAILING

I hereby certify that on this 11th day of June, 2014, I served the foregoing **COMPLAINT**, upon the following person(s), by depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, to the following:

**U.S. Attorney's Office
333 Las Vegas Boulevard South
Suite 5000
Las Vegas, NV 89101**

DATED this 11th day of June, 2014.

Al K. Bergman
An Employee of Nevada Legal Services

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America ex rel. Pauline Pears and Pauline Pears

DEFENDANTS

Trisha La & Stone Gate Real Estate Services, Inc.

(b) County of Residence of First Listed Plaintiff Clark County, NV
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Santa Clara County, CA
(IN SERVED ON CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

I. Kristine Bergstrom, Nevada Legal Services, 530 S. 6th St., Las Vegas, NV 89101, (702) 386-0404 x117

NOTE: IN LAND INVOLVED CASES, USE THE LOCATION OF THE

LAND INVOLVED

Attorney (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☒ 1 U.S. Government Plaintiff☐ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

BY: DISTRICT OF NEVADA PTF DEF

Citizen of This State

☐ 1☐ 1

Incorporated or Principal Place of Business In This State

PTF DEF

☐ 4 ☐ 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

31 U.S.C. § 3729

Brief description of cause:

Landlord violated False Claims Act by accepting federal subsidy while charging tenant illegal payment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

2:14-cv-00909-GMN-GWF

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.